

MR PRESIDENT: Thank you. Honourable Members we commence with the Prayer of the Legislative Assembly

**Prayer**

Almighty God we humbly beseech Thee to vouchsafe Thy blessings upon this House, to direct and prosper our deliberations to the advancement of Thy glory and the true welfare of the people of Norfolk Island

**Condolences**

MR PRESIDENT: Thank you. Honourable Members are there Condolences this morning?

MR CHRISTIAN: Mr President, it is with regret that this House records the death of Melanie Emily May Hayes, infant daughter of Marilyn and Mark Hayes of Selwyn Pine Road who passed away in Western Australia on the 6th of August. Melanie, a beautiful child, was born on the 19th October 1989 and had a series of illnesses throughout her young life. The birth of Melanie brought great joy to Lyn and Mark and to her big sister Rebecca, now 19 years of age, and no effort was spared in trying to give Melanie better health. Lyn and Melanie were visiting Lyn's brother Allan and his family in Perth. To Lyn, Mark and Rebecca, to her Grandfather Jack, Allen and his family, Maureen and her family and to relatives and friends, this House extends its deepest sympathy.

MR PRESIDENT: Thank you Mr Christian. As a mark of respect to the memory of each of the deceased I would ask all Members to join me in standing in silence. Thank you all. Honourable Members please be free to remove your coats if you wish to

**Presentation of Petitions**

We move to Petitions. Are there any Petitions?

**Giving of Notices**

There being no Petitions we move to Notices? Are there any Notices which Members wish to give?

**Questions Without Notice**

Are there any Questions without notice?

MR SANDERS: Mr President. Before I start there was a question on notice for Mr Bennett and there was a few supplementary questions that I was proposing to ask. Mr Bennett has indicated that he wasn't going to reply to that question today. Could I just ask for confirmation that that is so? Thank you. Because I will leave my questions for later

MR PRESIDENT: Thank you. Further questions. Mr Sanders.

MR SANDERS: Yes thank you Mr President. I have some questions for Mr Ernie Christian in relation to the last voyage of the motor vessel Far East and the question is is it a fact that the lighterage refused to unload this vessel on the morning of Tuesday 11th and are you able to give this House an explanation to justify this action and was it a fact that Mr Fitzpatrick wrote you a letter or spoke to you verbally and asked you to see for yourself that the sea was adequate and if not, what action do you propose to do to ensure that actions of this type do not occur again

MR CHRISTIAN: Mr President I did receive a letter from Mr Fitzpatrick and a request to go down and have a look at the sea early on in the morning of the Tuesday. I couldn't at the time but I did go down later in the day. My looking at the sea didn't change my mind about the decision which was made at all. The decision not to work was made by the usual officers in the usual way and I backed their decision. I will be making a statement Mr President later in the meeting

MR SANDERS: A further one that I have for Mr Ernie Christian

if I may Mr President and it is are you proposing to make a statement today in regard to immigration matters

MR CHRISTIAN: Mr President yes

MR ROBINSON: Thank you Mr President. My question is addressed to Mr Bennett. I don't recall seeing the results to the telephone directory printing tender in the gazette. My question has three parts. Has the tender been let, if so, how much was it let for and have I just missed it or has it in fact been gazetted?

MR BENNETT: Thank you Mr President. The answer is yes, the tender has been let. There were three responses to the tender called for the printing of the telephone directory. The Tenders Committee met to consider those and at that time considered.. there was a question as to whether the information that had been received by the three tenderers was exactly the same and the Tenders Committee decided that it would be wise to resubmit it for tender and actioned that that day, it did occur. The result of that was that the three tenders came back in again not changed substantially at all. There were three tenders, one from Greenways Press, one from Photopress International and one from Norfolk Island Data Services, they ranged from around \$15,000 to \$10,000 to about \$8,000. The tender for Greenways Press of around \$8,000 being the lowest tender was considered. I don't have the exact figure with me unfortunately Mr Robinson. As to whether the successful tender was gazetted I'm not sure and I need to check into that. I don't recall seeing it myself but having been reminded of it I'll make sure that if it hasn't I will do so

MR ROBINSON: Through the Chair Mr Bennett could you just refresh our minds of who the Tender Committee consists of please

MR BENNETT: At this current time the Tenders Committee consists of please

MR BENNETT: At this current time the Tenders Committee consists of the four executive members

MR ROBINSON: Fullstop

MR BENNETT: And of course the CAO

MR BATES: Mr President I have several questions for Mr King the Minister for Tourism and Works. The first one, did the Minister have any discussions with an overseas representative on the development of port facilities and were there any offers of foreign aid made?

MR KING: Mr President. A somewhat delicate question. Yes I did have a discussion earlier on this week with a representative from a shipping line which operates through Norfolk Island and we discussed largely the question of a sheltered harbour for Norfolk Island and the benefits that would flow from that but yes, included in the discussion was the fact that a number of foreign countries had indicated a desire to assist Norfolk Island in the development of a sheltered harbour but constitutionally of course Norfolk Island is unable to enter into discussions or affairs of that nature but it's comforting to a certain extent to know that regional support is offered. The development of improved shipping facilities is of course essential to the long term survival the economic survival of Norfolk Island and the project does have enormous benefits which can't be ignored but the matters will be continued to be progressed but it simply won't be resolved overnight but I'm confident that any assistance in one form or another with the project will be forthcoming from those with whom we have close economic and constitutional ties

MR BATES: A further question to Mr King Mr President. Given that some members still regard the make up with the Tourist Bureau as unsatisfactory, does the Minister intend to make any changes and if so, when and how?

MR KING: Mr President I have stated that it is my wish to increase the number of the Tourist Board from the present four to six but that requires me to find two people who are willing to participate in

that area. Now that's not an easy task but I'm hopeful to be able to achieve that within a couple of months at least

MR BATES: A further question on that matter. Did Mr Brown at any time say that he would resign from the Tourist Bureau and if he did, when is that likely to happen?

MR KING: Mr Brown didn't give any such undertaking to myself but he did give that undertaking as I believe to Mr Christian during the days when Mr Christian had responsibility for the Tourist Board

MR SANDERS: I think there may be a point of Order here Mr President as Mr King is being asked what was said to another person and I don't believe that is an appropriate way that the question should be asked and if there is any merit in this question then at least Mr Brown should be present when such an answer is given

MR PRESIDENT: Yes. Mr Sanders on the Point of Order there is no infringement of Standing Order in respect of the matters you have raised

MR KING: Well I should say, it may ease Mr Sanders mind a little, that I did ask Mr Brown whether he would confirm that that is his intention to resign from the Board and he said that yes, he would be quite prepared to resign in the face of criticism that there was a bias of people who were involved in the Norfolk Resorts Group of Hotels but as I then said to Mr Brown that it was my intention to increase the Board that bias of course would diminish and I would be comfortable if Mr Brown remain in there if I were to find two additional members

MR BATES: I have a question for Mr Christian, Minister for Immigration. At our meeting of the 10th June I asked Mr Sanders if he was aware of the damage being done to the hills by motor cyclists and would he endeavour to see if something could be done to minimise erosion in the effected areas. Has any consideration been taken of this problem which would not have been helped by the torrential downpour of rain that we had last night

MR CHRISTIAN: Mr President, yes, Mr Sanders carried this on and I carried it a little bit further. There is a proposal to close down quite a few of the areas around Norfolk and I will be making a statement to this effect later on. This will also help too and we've been back to the police to try and control the scrambling of motor bikes and the wrecking of some of the hillsides

MR BATES: I have no further questions Mr President

MR SANDERS: Thank you Mr President, I have one for Mr King and the question is, who commissioned an inquiry into costs relating to Island Industries time and motion procedures and (a) who paid for this inquiry and (b) is this same type of inquiry going to be undertaken for the public service, executive members salary increases Foodlands etc and (c) are you proposing to introduce a big brother is watching into business on Norfolk Island

MR KING: I think what Mr Sanders is referring to Mr President is the exercise of price negotiation that I am presently undertaking with Island Industries in regard to the supply of crushed rock products. I would intend to undertake such an exercise Mr President with any endeavour where I spend substantial amounts of public moneys. For many many years the Administration has simply been paying the prices that were asked for crushed rock products in Norfolk Island and I don't intend to let that continue without any exercise in price negotiation. I'm not sure that that's answered every point in Mr Sanders question but if he may care to tell me what points I haven't covered I would be happy to

MR SANDERS: For the moment I would leave that Mr President and perhaps I could just ask a couple of supplementary ones. Bearing in mind that Mr King has made a stand on unaccountable monies is it going to be his practise to delve into persons private business matters when he

himself is a failed businessman. Does he think that he's a suitable person to do such a thing

MR KING: Well there's a certain accusation in that Mr President

MR PRESIDENT: Yes. Mr Sanders I would need to draw your attention to the fact that those final words of yours were not appropriate to be raised in this forum

MR KING: But nevertheless, I'm comfortable to answer the question Mr President. I'm not hiding from the question. I believe I'm eminently qualified Mr Sanders to enquire into business affairs of people on Norfolk Island. There's a great many of the practices that I simply haven't been happy with and when they effect the expenditure of public moneys I will continue to press in that direction

MR SANDERS: That's a very vast change of attitude from just recent weeks Mr President. I have a question for Mr Bennett and the question is, at a meeting of this House on the 16th July this year you produced a facsimile from OTC in relation to an ISD telephone call you claim to have made to a gentleman at Qantas in New Zealand. Did you obtain this facsimile as a Member of the public, a Member of the Legislative Assembly or a Minister?

MR BENNETT: I don't really know Mr President. I didn't use any undue pressure I simply asked whether it was possible to trace such information, that the matter was considered to be a key part to some questions that had been raised in the Assembly and I went about and asked the question and got the answer

MR SANDERS: Was the question asked as a ... Did you ask the question as a Minister or as a member of the public?

MR BENNETT: Well certainly not as a member of the public. I mean, in the context of the telephone ...

MR SANDERS: Perhaps as a Member of the Legislative Assembly?

MR BENNETT: Well perhaps so. I raised the question with the people at Telecom to the effect that there was expected to be a question about a telephone conversation, was there any way that I was able to have ascertained that that call took place and that was the extent of the conversation. There was no coercion about it

MR SANDERS: A further supplementary question. Is this service available to any member of the public who cares to go into Telecom and ask did Joe Blow make a phone call to somebody or other somewhere in the world and if not, was his authority as a Minister used to obtain that information

MR BENNETT: Mr President certainly my authority as a Minister was not used in that context. I did not use my authority as a Member of the Legislative Assembly either, I simply asked the question. I thought that it was very relevant, and it turned out to be very relevant, but as to the question of whether it is generally available I'm uncertain of that procedure but I'm happy to check out that for Mr Sanders

MR SANDERS: Mr President I believe it's imperative to find out in what manner that question was asked of Telecom. If Telecom has given information that's not as a Minister then I believe we should be doing something lawful to Telecom

MR PRESIDENT: The question Mr Sanders

MR SANDERS: The question is, would you be prepared to advise this House at the next meeting of just on what basis you asked that question

MR BENNETT: Mr Sanders I think that I've mentioned as much as I know about it. If you are happy I will certainly contemplate it for

another month and try and remember whether in fact, sitting in my chair, I was the Minister or a Member of the Assembly or a member of the public, but at the time as it was a crucial part to the whole argument I simply raised the question but I'll certainly make enquiries about the procedure generally and report back

MR SANDERS: Mr President a supplementary question, do you not consider that if confidential information like that were made to any member of the public then indeed some stringent action should be taken immediately to resolve such a problem

MR BENNETT: I'm not sure whether it's confidential information. It was I who made the call. I just wanted verification that I had made that call and you'll be interested to know that following the cutover of the new telephone exchange in the next week or so that will be no longer necessary to make such a trace because it will appear on your sheets

MR SANDERS: Mr President another supplementary question. Do you consider it not relevant when the message would not have a voice on it to verify that it was your call so therefore it is a breach of confidentiality regardless of who was the person that made the call

MR BENNETT: Could Mr Sanders ask that again. I'm not quite sure if I got the drift of that?

MR SANDERS: Perhaps I should explain just a little bit in front Mr President. Mr Bennett said that it was his call and he was making enquiries concerning it. Telecom would not know it was his call. Telecom would know that it came from his number. To get that information Telecom would need something or other to indicate that it was proper that they should divulge such information

MR BENNETT: And what was the question?

MR SANDERS: The question was, if I can recall, do you think that it's proper that Telecom should be doing or giving confidential information in such a manner

MR BENNETT: Well Mr President as it was my call I don't consider that it was confidential but in the event that there are instances where it involves confidentiality I certainly agree with him

MR SANDERS: I'll follow this one up at a later time Mr President

MR ROBINSON: Thank you. To Mr Bennett once again. You mentioned the change over to the new telephone exchange, is it going accordingly to schedule

MR BENNETT: Mr President, well the original schedule which was set back during discussions in July was that the cutover would occur on the 1st September but a failure of some of the pieces of equipment to arrive caused Ericsson to advise that the cutover would be delayed one week. In fact that cutover is now planned to be at midnight on the 7th September as opposed to being midnight on the 1st September I intend to say a little bit more about that when comes to statements.

MR ROBINSON: Thank you. As a consequence of that will the new phone books be out on time as well.

MR BENNETT: Mr President, yes the answer to that is to the best of my knowledge yes I had a conversation in recent days to that effect and I was told that yes it is expected that the phone books will be out and delivered prior to the cut over on the 7th.

MR SANDERS: I have few questions I would like to ask Mr Ernie Christian there all in relation to stock so if Mr Christian doesn't mind I'll make it all one question. The question is would Mr Christian inform this House of private stock owners continuing to use the services of the Government Stock Inspector for drenching purposes for their stock and is it his intention to look at the cost of providing a drenching and

delousing assistance to owners for stock to be pastured on private land.

Would he advise this House of any steps are being or will be taken to reduce the number of stock currently being pastured on lands given the fact that a considerable area of both common land and private land has been fenced in recent times and of course damage by motor bikes and is the visiting Vet proposing to test all stock on Norfolk Island.

MR CHRISTIAN: Mr President, many of the private stock owners are not using the services provided by drenching their cattle and they have drop out of the programme. A re-costing has been done and an announcement will be made later as to the new costs hopefully doing this will get over the objections of the stock owners for not getting their cattle done. As far as the reducing the number of stock on the common is given it is fully intended to reduce the numbers quite drastically the commons have been badly over grazed and they need time to recover to prevent erosion an announcement to this effect will be made in a statement that I will be making later. The Vet testing, random tests will be done and the focus will be on herds which gave pause for concern at the last testing time, but is hopeful that everybody will be joining in the thing and that all the stock will be tested. A better answer will be in the statement I have to make latter on.

MR SANDERS: Could Mr Christian give some indication when he refers to drastically reduced as to what percentage he could possibly be expected these numbers will be reduced by.

MR CHRISTIAN: Mr President, at this stage it is fairly certain that there will be at least a 25% cut per applicant.

MR PRESIDENT: Thank you. Further questions? No. Then I think we have concluded there Honourable Members.

#### **Questions on Notice**

MR PRESIDENT: Are there any answers to Questions on Notice? There is one on Notice. Is that .... Mr Ernie Christian

MR CHRISTIAN: No sorry. I had accepted to come back and give an answer to a question by Mr Semple if I may. It Mr President refers to the spelling of Phillip Island. Mr President the last meeting of this House Mr Semple asked a question about the correct spelling of Philip Island the position is this it is generally agreed that the historically accurate name is Phillip Island with two l's because the Island was named after Governor Arthur Phillip by Philip Gidley King. The mistake originally appears to have been made in 1855 when Captain Denham surveyed both Norfolk and Phillip Island's. That map referred to Phillip Island with one l. This mistake was carried forward in the 1937 proclamation of the Island as a reserve the proclamation also spelt the name of the Island with one l. The matter was brought to light in 1988 when there was correspondence between the Australian National Parks and Wildlife Service and the then Government. The Government at that time agreed that the Island should be referred to in future by its historically accurate name. This was to be initially implemented on ANPWS signage on the Island, and in the management plan for the Island and in fact a proposed management plan does refer to the Island by its correct name. There was a suggestion at the time that the 1937 proclamation be amended, however, it was decided that the appropriate time at which to amend the name would be in the legislation implementing the management plan. The management plan is not as yet been agreed to by the Government and therefore the opportunity is not yet arisen for the name of the Island to be corrected in that context. However, about a fortnight ago the Administrator proposed that the relevant proclamation be amended in the meantime. I have no difficulty with this and the matter will be put to the Administrator in Executive Council at the first opportunity. Mapping authorities will then be advised of the change so in future maps the correct spelling will be used.

MR BENNETT: Mr President, on the notice paper there was a question asked of me by Mr Bates, I don't intend to answer the question today for a couple of reasons, one was whilst I have received a fair amount of information from the Crown Solicitors department the Finance Manager as you are all aware is away, and I felt that I need to consult

with him on a couple of matters, financial matters and also I tend to broaden the answer to include other litigious matters in collation about those at the same time. I guess secondly that Mr Brown is not present in the House today and I think that it would have been probably more appropriate anyway to have waited for Mr Brown to be in the House but the real answer is that I was unable to get all the information I required to answer the question in the manner I wish to.

#### **Papers**

MR PRESIDENT: Papers. Are there any papers to be presented?

MR KING: Mr President, I table the July tourist figures and move that the paper be noted. Mr President, figures for July 92 reveal some areas of concern. Whilst there has been a welcome increase in Australian tourist numbers of some 10% over July of 91 there's been a substantial reduction of some 37% out of New Zealand and the overall result of that is a drop of 11% in total numbers when compared to July of last year. Some observers might say Mr President that these are hiccups that we traditionally experience from one year to another and to a certain extent that's true but what's clear to me is that the reductions experienced this July are part of a continuing downward trend for the winter months. A trend that we have followed for the past three or four years. Coupled with the fact of lower tourist numbers is the fact of increasing shorter periods of stay and the combined effect of which is to reduce the amount of tourist on the ground as it were during any particular period. Let me try and make that point just a little clearer Mr President, I've mentioned that the July tourist figures are down 11% on July 91 since the average stay has reduced from 8 days to 7.75 days from one July to another it meant that the total amount of tourists on the ground during that month was down in fact 14-1/2% and that's even more material than the 11% I mentioned earlier, and that's the effect that washes right through the economy, one can appreciate why many of the business proprietors have experienced their worst July for many many years. Mr President, I merely make this analysis not to be an alarmist but to demonstrate that there are trends particularly in the winter months which are of concern and which require some attention, there is little that we in Norfolk can do to restore the longer periods of tourist stay since shorter stays is a part of a world wide pattern and there is no reason to suggest that Norfolk Island would be sheltered from that impact. What we hopefully can do is restore or rebuild tourist numbers to offset the adverse affects of shorter stays, and to this end Mr President I would like to formally announce the results of some initiatives largely of the Tourist Bureau. For many years past carriers out of Australia have been far too late in announcing seasonal fares, seasonal fares of course need to be released in sufficient time to enable wholesalers to package promote and sell their products. In the past inadequate leadup time has prevented that effect marketing happening. In recent weeks Ansett Airlines have announced that seasonal fares for the 93 winter months will be released in December this year. Although details of the fares are not yet available I'm confident that the outcome will be a welcome stimulant for the winter months of 93 and hopefully represent a reversal of the trends we've experienced in the past few years. I'm also pleased Mr President, to release details of the Qantas initiative finalised in recent days. I've been advised that for the months of October and November and the first half of December Qantas will be offering a special deal for couples travelling out of New Zealand. The first person travelling for \$NZ499 and the second person travelling for \$NZ199. That represents a substantial reduction of some 40% on current fares, and I also should add that there has been an initiative from New Zealand which whilst it is not aimed directly at the Norfolk Island destination it is part of the Trans Tasman promotion and it has the effect of reducing the fares also from Norfolk Island in the limited period in the closing months of this year. Mr President, those initiatives will have no bearing on the rebuilding the winter months figures but hopefully they will be a positive step towards rebuilding the figures out of New Zealand. Thank you Mr President.

MR PRESIDENT: Further participation? I put the question that the Paper be noted

QUESTION PUT

AGREED

MR BENNETT: Thank you Mr President, I have two papers the first is advise of duty that has been waved on the importation of headstone duty valued at \$9.90, the second is a paper containing proposed new telecommunications legislation proposals for in respect of the latter paper I wish the paper to be noted.

MR PRESIDENT: The question is that the Paper be noted and this is the Telecom paper?

MR BENNETT: That is so. Mr President...

MR SANDERS: I was going to ask Mr President, if I may is that waving of duty an item that's on the table for later on

MR BENNETT: No Mr President, this relates to a matter which under my executive authority the duty is below a couple of hundred dollars its one of those formalities. It bears no relation to what's on the notice paper.

MR PRESIDENT: The question is that the Paper be noted and it's the Telecom paper to which I'm referring

MR BENNETT: Mr President, the installation of the new telephone exchange provides an opportunity to have a fresh look at Norfolk Island's telecommunications legislation, and the purpose of this paper is to outline briefly the nature of the existing legislation and some of the difficulties that it presents as well as to put forward some proposals for the new legislation. Mr President, members will be aware that in 1989 a new item was added to Schedule 2 of the Norfolk Island Act and that was in the following terms the provision of telecommunications services within the meaning of the Telecommunications Act 1989 and the prescribing of rates of charge for these services. Members will also recall that telephone services has always been a Schedule 2 item however, the new item clearly extends that terminology to cover all forms of telecommunications. The members will be aware that the existing telecommunications legislation in Norfolk Island is the Post and Telegraph Ordinance 1957 and the telephone rental and charges regulations, there are problems with these for this reason that the Ordinance merely adopts with minor modifications the Federal legislation current in 1975 and that means that the Commonwealth Post and Telegraph Act 1901 and the Post and Telegraph Rates Act 1902 and the Regulations made under those Acts to remain in force in Norfolk Island as laws of Norfolk Island but the real problem this presents is that those to pieces of Federal legislation were repealed in 1975, accordingly, Norfolk Island been operating under legislation which in Australia has not been in force for 17 years. There are a couple of other problems with it but just to outline I've proposed new legislation the new legislation would cover telecommunications services as defined by reference to the 1989 Federal Act referred to in item 48 of Schedule 2 of our Act. The Government here would be given a monopoly of telecommunications except with respect to private network services on the consumer side of a PABX as an example, the legislation deals with a number of other things, privacy issues, unauthorised disclosure of information and the question of interference with such equipment. As a consequence of this new piece of legislation the Post and Telegraph Ordinance would be repealed and the postal aspects of that Ordinance would covered by the amendment then the commencement of a new Postal Services Act 1983 or the Postal Services Act 1983. Thank you Mr President

MR PRESIDENT: Further participation? Then I put the question that that paper be noted

QUESTION PUT  
AGREED

Are there any further papers to be presented? Then if I could just put this paper on the table for you Honourable Members to give formality to those areas of responsibility exercised by Members who are executive members in this the Sixth Assembly I table a list lodged by the executives of those areas in which they respectively have responsibility.

This list has been published of course. This is the formality of it being tabled in this House.

### Statements

MR PRESIDENT: We move then to Statements. Are there any Statements?

MR CHRISTIAN: Mr President I would like to say a few words about the Lighterage Operation and particularly about the decision not to work the ship Far East back on Tuesday 11 August 1992. By the time the Far East arrived the previous day (Monday), it was too late to work the ship and, in any case, conditions were unsuitable. At 6.45 am in the morning of the Tuesday an inspection was carried out by the Lighterage Manager, a representative of the workers (Tardy Evans) and a representative of the local Shipping Agent (Gary Dowling). At that time the weather conditions were considered unsuitable, taking into account that low water would be around 11.30 am, which would make conditions worse. As under normal circumstances, the Lighterage Service does not start work after noon, this being acknowledged by the Shipping Companies, the decision was made not to work the ship. Having regard to these circumstances, Mr President, the view was expressed by the Lighterage manager that conditions would not improve to warrant the Lighterage Service operating on the day. It was recognised, too, that to have placed workers on standby, in accordance with the agreement with the shipping agent, the shipping company may have been up for considerable cost. A second broadcast at 10.00 am would have resulted in three hours waiting time being paid (\$7.50 per hour) per man. Someone has to make these decisions, Mr President, and I think we have to accept that they are made responsibly and in the interest of the safety of the man. I, personally, have no difficulty with the decision that was made on this occasion. Mr President, in recent times there has been some industrial disputation regarding aspects of the Lighterage operation and in a way I think it has been unfortunate and should have been avoided. It is recognised that the Lighterage Ordinance, the basis on which the Lighterage service is operated, is due for a review and I have asked the Administration to examine the arrangements as provided in that legislation both in terms of Lighterage workers' conditions of employment and the manner in which rates and charges are levied. This is not to say, Mr President, that there is anything drastically wrong with the existing arrangements but, it is recognised that, improved arrangements can be made between the shipping companies and the Lighterage workers. A specific issue that has again been raised recently has been in relation to the overtime component of shifting gear. This cost has been billed directly to the shipping agent under an agreed arrangement to ensure that the gear was in place to enable workers to commence immediately at 7.30 am. However, the validity of charging this amount has been questioned although there has been an acceptance that it is in the interests of the shipping companies to have the gear ready on time and it being reasonable for them to pay for this service. In accordance with my powers under the Lighterage Ordinance, I propose to immediately amend the current rates and charges to reflect the overtime component of the gear shifting charges. Thus, in future no separate account will be issued to the shipping agent covering this work. Thank you Mr President.

MR PRESIDENT: Thank you Mr Christian. Any further Statements?

MR BENNETT: Thank you Mr President, I want to make a statement about some activities that are going on within the Customs Bureau. Mr President, there is some computerised equipment being installed in there under a combined Pacific basin customs arrangement called "Project Cook" this is the scheme was to establish a network for reporting movements of small craft and light aircraft in the Pacific Basin Region and it was an initiative that emerged from the first Pacific Basin Customs Enforcement Conference in May 1985. The first expression by the Australian Customs Service to Norfolk Island occurred early in 1986 and there have been subsequent to that and after discussions and exchange of letters between the Police here and the Collector of Customs with the Australian Customs Service and latterly the New Zealand Customs Service and the US Customs Service. As I said, the Project Cook is about the establishment of a network in the Pacific Basin to track the movements of small craft and light aircraft. A prototype system was

developed in consultation with the Customs administrations of Australia, New Zealand and the United States, designed to facilitate the exchange of data re movements between the three regional network centres. The Centres would in turn consolidate the information on a micro computer and repeat it to each of the other centres including Norfolk Island by electronic data transfer. The proposed network would greatly enhance the knowledge of customs administrations in all participating countries of small craft and light aircraft movements within their area of responsibility. In particular benefit should be derived from the forewarning of administrations of traffic approaching their region. The system will also allow participating countries to make specific enquiries on the known movements of vessels and aircraft of special interest. Mr President, taken as a whole the system would permit customs administrations to improve the control over small craft and light aircraft movements within their area, identify movements that may indicate the possibility of illegal activity, providing an early warning system of movements which might require a specific customs enforcement response. The network also holds potential benefits for search and rescue. Mr President in fact the Norfolk Island Customs Bureau have been reporting to and receiving information about small aircraft and small ships since 1986 but have been receiving it and despatching it in a written or letter form and not electronically. At a meeting of the network clearing centres, that's Australia, New Zealand and the United States in 1990, advice flowed from that, was that the US Customs Service would pay the following: the installation and supply costs for equipment, the communication costs for the transmission of data between each country's reporting centre and the central computer, the maintenance of the equipment and the training and indeed Mr President the customs bureau has at present some gentlemen installing this equipment right now, IBM PC computers, quite big ones or decent ones including the Dot Matrix printers, image character scanning devices and the like and are in the process of training the officers of this Bureau. Mr President the Project Cook computer system has already been installed in fifteen sites throughout the Pacific, has been working well and it will greatly enhance Norfolk Island's ability to both participate in a regional sense in the communication of movements of small craft and light aircraft and should be of benefit to Norfolk Island by virtue of its early warning systems. Thank you

MR PRESIDENT: Thank you Mr Bennett. Any participation? Then I put the question that that statement be noted

QUESTION PUT  
AGREED

MR CHRISTIAN: Mr President I wish to make a statement about the stock health programme run by this Government and some closely related matters. This will help to reply to some of Mr Sanders earlier questions. As Members and the public will know for some years now the Norfolk Island Government through the Stock Inspector has carried out a systematic drenching and delousing programme of all cattle depastured on common land as part of the overall tagging and checking of animals that have a right of pasturage. Mr President, some four years ago as a result of action taken by the Norfolk Island Government with assistance from the Department of Agriculture in NSW and the co-operation of local cattle owners the Island was able to be declared disease free in respect of Bovine Tuberculosis and Brucellosis. I believe that it is important to maintain that status and to also ensure that the Island has available to it the benefit of advances in animal health techniques and tests. Mr President whilst Mr Sanders was the Minister responsible for stock the Community Services Manager had discussion with Mr Sanders on stock health matters and as a result of those and subsequent discussions with Mr Sanders and Mr Buffett I have progressed the matter. Mr President the Community Services Manager has brought to my attention that a large proportion of stock owners who previously used the services of the stock inspector and the governments extension programme of drenching and delousing stock has dropped out of the programme and he believes that this was due to the cost of such a service. As the drenching and delousing of all cattle is vital to the overall effectiveness of the Island stock health programme the Community Services Manager has prepared a re-costing of the service to private owners and I am pleased to advise that this will be of considerable advantage to the stock owners. Mr

President this has been achieved principally by the ability to obtain medication in concentrated form and the revision of on cost for the officer's assistance. This revised costing will only be able to be maintained with the co-operation of the stock owners themselves and let me say how they will need to assist. The stock owners are totally responsible for the yarding of their animals and the Stock Inspector will carry out the drenching and delousing. He will not Mr President, I emphasize, he will not be available for mustering of private herds and this way the lower costs can be maintained. Mr President I am pleased to say that the Administration has a portable cattle yard available for those persons who may require its use and this may be arranged through the Stock Inspector. Mr President I have mentioned the lowering of costs and how we have achieved it and now would like to indicate what those costs are. For a herd of 20 head the full cost for drenching, delousing and coppering would be \$80.00 or \$4.00 per head. This compares with the previous charge for the full services totalling \$13.50 per head of \$269.90 for 20 head. A saving of \$9.50 per head. Mr President this re-costing has been designed to have all stock owners participate as I believe it is essential that they do for the overall benefit of the Island and let me also foreshadow that the extent of participation will be monitored and a Government decision may need to be made in the form of legislation later on down the track to ensure the disease free status is maintained. Mr President members of the public will see from the recent Gazette that Dr Peter harper, Senior Field Veterinary Officer from the NSW Department of Agriculture will be arriving on 6 September 1992 and will be carrying out tests of common herd cattle and other cattle as may be necessary. I will also be discussing with Dr Harper the question of the number of cattle to be depastured on common lands with a view to the numbers to be allocated for the 93/94 year. Thank you Mr President.

MR ROBINSON: I move that the Statement be noted

MR PRESIDENT: The question is that the Statement be noted

MR ROBINSON: I would just like to say that it's good to see there is at least some positive movement in the bovine area and I commend Mr Christian

MR PRESIDENT: Any further participation? No. Then I put the question that the Statement be noted

QUESTION PUT  
AGREED

MR CHRISTIAN: Mr President I wish to make a statement on immigration policy. At the June meeting of this House, the following resolution was passed. I will read it out in its amended form. That this House -

(a) adopts and incorporates into policy the recommendations of the Immigration Review Group with respect to the administration of the compensating departure scheme, until this House has had an opportunity to consider and debate the Group's recommendation that the scheme be discontinued; and

(b) save as set out above, adopts the immigration policies of the Fifth Legislative Assembly, but recognises the desirability of fully considering those policies, and if necessary reviewing them, as soon as practicable.

The Review Group's proposal to extend the ordinary term of TEP-holders from 3 to 4 years was defeated. There have been two subsequent developments with respect to immigration policy. The first was the receipt of DASET's comments on the Report of the Immigration Review Committee. The second was the publication of a notice advising the public that, from 10 August 1992, all future TEP applications will be expected to be supported by a written statement signed by the person's proposed employer and giving details of attempts to recruit residents or GEPs for the relevant position. At the next sitting of this House, I

propose to bring forward for members' consideration a revised version of the policy guide booklet, incorporating the revised approach to CDD applications and also incorporating the contents of the notice about information for TEP applications. The DASET document, which has been circulated to members, raises a number of questions. One issue that I believe does require review is the quota calculation method. The Department's conclusion on that issue is as follows -

"It would seem desirable that there be greater balance between entry under the section 18 and section 19 provisions excluding for quota calculation purposes those section 18 permit holders who enter the Island as the spouse of an Islander would help reduce the imbalance".

I think there is sound sense in that suggestion. It is not, of course, a new suggestion. Members of the previous Assembly have raised it in debate in 1989 and 1990, and I think we should have a close look at adopting it. Therefore, I have asked the Immigration Section to put together some figures so that the question can be properly examined. That information should be available before our next meeting. My present inclination, before looking at the figures, is to bring forward a motion to the next meeting both revising the quota calculation method in the way I have described and also to strike a new quota in terms of the revised method of calculation. I will keep members informed of the progress on this issue. Thank you Mr President.

MR KING: I would move that that Paper be noted Mr President

MR PRESIDENT: The question is that the Immigration paper be noted. Mr King

MR KING: Mr President I am a little disappointed that Mr Christian hasn't brought forward to the House for debate the recommendations of the Immigration Review Group. That matter needs to be finalised. I'm not suggesting at this stage that we follow the recommendations of the Immigration Review Group and I don't want to get into a great long debate about those recommendations and I take what Mr Christian has said that matters arising from that Review and other matters will be coming before the House at the next meeting but in the meeting I would like to make just so brief comments Mr President. The chief purpose of that Immigration Review was to satisfy the concern of the former Commonwealth Minister that certain immigration policies might not have wide community support and it was obviously felt by the Norfolk Island Government that it was essential that the Minister be satisfied one way or the other as he was the person who was the final arbiter in immigration matters, immigration appeals. The chief job of the Review group of which I was a member, was to examine the policies and legislation relating to numerical control of the population. The terms of reference set for the group specifically limited the task and prevented the group from examining or commenting on other aspects or the wider implications of developing policies or policy changes. This House however, Mr President, is duty bound to think through any proposals for change to immigration policies or law and in the light of what has become more apparent in recent weeks look very carefully at the social implications. At the risk of being boring Mr President I repeat my assertion that immigration laws and policies in Norfolk Island have not been sufficiently effective in protecting the investment and job opportunities of local people. The current level of unemployment and underemployment among local people is an embarrassment to each member of this House and those who have participated in past governments ought to hang their heads in shame for contributing to the present state of affairs. But forget what the Review group has said, forget what the Department of Territories has said. The ballgame has now changed. There are people unemployed. There are people in financial distress. The only adjustments which should be made to our immigration system are those which will restore full and productive employment for local people or those that will allow greater participation by local people in the business sector. Who around this table Mr President would dare to ignore local unemployment and vote to increase the period of stay for a temporary entry permit holder. Who would dare vote to continue with the compensating departure scheme, the ugliest piece of legislation ever to pass across this table. A farcical system seen by the community as a system which offers financial support to a select few when there are so many with employment difficulties and in financial distress who are receiving very little support. Mr President I look forward to a full

debate on these matters at the next meeting

MR SANDERS: Thank you Mr President. I agree with most of the comments that have been made by Mr King other than the one that he said that previous Governments should hold their head in shame. Mr President since 1982 I've been personally involved in all Assembly's but not necessarily the Governments and every one of those Governments has endeavoured to do the best that they were able. This is probably the first year that we have an economic problem that has caused such difficulties that are arising on Norfolk Island currently and I feel that I actually take it as an insult that what has happened in the past has actually contributed to the unemployment of today. I don't believe this Assembly nor Norfolk Island is responsible for what happens in Australia or New Zealand or in fact the rest of the world, but I do take his point that if something has happened, indeed we need to look into it.

MR PRESIDENT: Any further participation? The question before us is that the Statement on immigration be noted. I'll put the question

QUESTION PUT  
AGREED

Are there any further Statements to be made? Then if I could conclude with this Honourable Members. There is to be a celebration on the Sixth September. Mrs Gordina Beveridge MBE, one of the Nobbs family of the Island will achieve her centenary. Her one hundredth birthday and on the day which is Sunday, Sixth September, that is, Sunday week, there are three activities in which the community is invited to join, really to mark this wonderful personal achievement by Mrs Beveridge. There will be a church service in All Saints Church Kingston at 9 o'clock in the morning and I might make mention that that's instead of the 8 o'clock and the 10.15 morning services that are normally held, so the Church service, 9 o'clock. Secondly there will be a tree planting between 10.30 and 12.30 with Mrs Beveridge planting the 100th tree at 12.30 and thirdly there will be a picnic in the Rawson Hall grounds at 1pm. The Church is arranging the Church Service component of that and Mrs Beveridge's family is organising the picnic side of that. The Government has responded by sponsoring the tree planting arrangement and on behalf of you all I have carriage of the arrangements for that so I would like to just dwell upon the tree planing if I may for a moment with you Honourable Members. Sunday 6th September which is the day. The site is New Farm Road. From the earlier site of the CCR Nobb's store starting at the corner near the airport you will recognise that as where people normally gather and wave the plane off on the corner there running along from there along New Farm Road, 100 oak trees will be planted inside the airport fence for protection. Mr Beveridge and her family will plant trees and individuals and organisations in the Island who have an association with Mrs Beveridge and would like to honour her on her 100th birthday may also like to join in this planting and if so you are invited to telephone 2003 and leave your name. Planting is envisaged to be between 10.30 and 12.30 on the day. The Forestry team has prepared the trees and they'll be on hand to assist people with the planting. Mrs Beveridge has planned to arrive at 12.30 to plant her tree, the 100th tree and encouragement really is given for people to gather at that time to share the occasion. On behalf of you all, Honourable Members you would want me to say in a formal sense because this will be the only sitting before the 100th birthday that we do send to Mrs Beveridge our love and best wishes for a wonderful day, a happy day for the 6th September

MR BATES: Could I move that that Statement be noted

MR PRESIDENT: The question is that the Statement be noted

MR BATES: Mr President Members of Auntie Gordies family who have already arrived on the Island and some of them are still to come from Australia and travelling from as far away as England just to be with her on this day and I am sure that the Members of our community and the other Members of the Assembly join with me in wishing Aunty Gordie and her family all the best on this day and I do hope that many people in the community will join in the activities of this day

MR ROBINSON: Mr President you mentioned oak trees, I assume you

mean the Norfolk Island White Oak tree

MR PRESIDENT: Yes I do. Lagunaria Patesonia. Yes. Any other participation? Thank you Honourable Members. I put the question

QUESTION PUT  
AGREED

**MESSAGE NO 50 FROM THE OFFICE OF THE ADMINISTRATOR**

MR PRESIDENT: Honourable Members I have to report that I have received the following message from His Honour the Administrator, message No 50. On the 19th August 1992 pursuant to subsection 22(1) of the Norfolk Island Act 1979 his Excellency the Government General declared his assent to the Statute Law Revision (Ministerial Powers) Act 1992 which was Act No 9 of 1992. Dated this 21st day of August 1992, Alan Kerr, Administrator.

Any Reports from Select and Standing Committees?

**NOTICES**

In that event we move to Notices Honourable Members.

**NO 1 - NORFOLK ISLAND ACT 1979 - TERMS AND CONDITIONS OF EMPLOYMENT OF THE NORFOLK ISLAND GOVERNMENT AUDITOR**

MR BENNETT: Thank you Mr President. I move that for the purposes of section 51 of the Norfolk Island Act 1979, the Legislative Assembly advises the Administrator to determine that the terms and conditions of employment of the Norfolk Island Government Auditor, in relation to the year commencing on 24 August 1992, be -

(a) a remuneration of \$32,500.00; and

(b) the reimbursement, at their actual cost, of out-of-pocket expenses incurred by the Auditor in relation to the employment.

Mr President, Members will be firstly aware that this motion is in respect to the remuneration only. The appointment of the Auditors, Ernst and Young is part of an ongoing arrangement and that will be dealt with, or there'll be more said about that in a subsequent motion to this one. This motion is about the annual determination of remuneration for their services. Ernst and Young, the Auditors, have estimated the fee will be \$27,500 for the Administration and \$5,000 for the Healthcare Fund and the Hospital. In total, this represents a \$2,500 increase overall with no change from last year to the \$5,000 fee for the Healthcare Fund/Hospital.

In the last couple of years, in the year of 1991 and the year ending on the 23 August this year, the fees have been in total, \$30,000 on each occasion and in the 1991 year it was initially \$29,000 and was increased by a resolution in February of 1991 by \$1,000 bringing that to \$30,000. Having regard to the take-over of the airport and other new activities, for example, the Workers Compensation Scheme, the additional fees are not unreasonable. Members will be aware that Ernst and Young are now entering its Sixth year as the Norfolk Island Government Auditors with the firm Ernst and Whinney, now Ernst and Young first auditing the accounts of the Administration for the year ended 30 June 1988. Subsequent to that it has been determined that Ernst and Young undertake the audit of the Norfolk Island Government Tourist Bureau. Mr President I recommend that the Government accept the fee proposed from Ernst and Young in the total sum of \$32,500

MR PRESIDENT: Thank you Mr Bennett. Participation?

MR SANDERS: Thank you Mr President. For obvious reasons, since the 24th August, something has to be finalised today. At the MLA's meeting the other day I passed an opinion that I thought that there should be an amendment that this appointment of auditors shouldn't be just forever an ever and as Mr King has said this morning just escalating costs just being added on regardless. Mr Bates has raised the issue that these matters should perhaps go up for tender every three years or so, in discussions I understand that Mr Bennett is proposing to move a motion of

amendment to in fact include this three year term. If that be so I think the appropriate thing to do is just wait until the amendment is proceeded with

MR PRESIDENT: Mr Bennett has indicated that he has a subsequent motion which he will ask leave to present at the conclusion of this one Mr Sanders. That may tie in with the though that you are mentioning now

MR SANDERS: Yes. Thank you Mr President

MR BENNETT: Yes Mr President just to add to that. Members will be aware that the first motion actually deals with an advising to the Administrator about that section of the Act and the second part to which Mr Sanders referred in his debate is a matter for this House and as a consequence of that it was deemed appropriate to move a separate motion in that respect and that will follow the discussion on the first one. Members have been circulated with that motion

MR SANDERS: I understand that Mr Bennett at the appropriate time is going to move that

MR BENNETT: Yes

MR PRESIDENT: Further discussion? Then I'll put the question. The question is that the motion be agreed to

QUESTION PUT  
AGREED

The ayes have it, the motion is agreed to thank you. Now Mr Bennett you seek leave now, and leave is granted for you to present the subsequent motion

MR BENNETT: Thank you Mr President. I move that this House is of the opinion that -

a. the appointment and terms and conditions of employment of the Norfolk Island Government Auditor should in future be preceded by a public procurement process undertaken each third year; and

b. to that end, the executive member should, before 23 August 1993, institute a public procurement process (whether by way of expressions of interest, open competitive tender or in some other appropriate way) in respect of the period 24 August 1993 to 23 August 1996.

Mr President, I think that motion responds to the many comments that I've had in relation to the ongoing arrangements for auditors. It also is in accord, if Members care to remember, in accord with one of the directions that the Public Sector Reform Process is taking and I think its eminently appropriate that we deal with it at this time

MR PRESIDENT: Thank you. Further participation? Then I will put the question. The question is that that motion be agreed to

QUESTION PUT  
AGREED

The ayes have it thank you. We move to Notice No 2

**NO 2 - CUSTOMS ORDINANCE 1913 - EXEMPTIONS FROM DUTY**

MR BENNETT: Thank you Mr President. I move that for the purposes of section 2B of the Customs Ordinance 1913, this House recommends to the Administrator that the goods specified in the Schedule, imported by the importers there specified, be exempted from duty.

**SCHEDULE**

<u>Item</u>	<u>Importer</u>	<u>Goods imported</u>
1	Milton Bradley on	One Marquee valued

	behalf of the Lions Club of Norfolk Island	for duty at \$20,393.29
2	Lee Christian	One headstone valued for duty at \$3,405.00
3	Norfolk Island Government Tourist Bureau	Promotional brochures valued for duty at \$3,300.00.

Mr President there is a requirement under section 2(b) for this House to resolve the question of the exemption of duty where the amount of duty exceeds a certain figure and these three are in that category. I might say a couple of things about them. Each of them vary in their.... each of the applications are quite varied. In respect to the marquee, this marquee was imported into Norfolk Island, or airfreighted into Norfolk Island in January this year for the purposes of assisting the Lions Club cope with a great number of visitors at the Lions Convention. It was considered at that time, I understand, that as the marquee would be being airfreighted back after one week or so that duty ought to be waived. Somehow in the system that application didn't come to the executive member and it arrived on my desk in July. I have spoken to executive members about that and it was considered that in the light of the circumstances of requiring a huge marquee to cope with a very important Lions Convention that duty ought to be waived. In the second instance, headstones, Members will be aware that traditionally headstones are exempted from duty and I intend when the Customs Ordinance and Regulations etc are amended and work is being done on that right now that headstones will be part of the schedule of exempted items. This will avoid the continuation of these kinds of motions involving headstones and by having to table it at each occasion the exemptions of duty on headstones where the duty is valued less than \$200 and the third item, promotional brochures for the Tourist Bureau. There's been over the years varying opinions on whether the items brought in for statutory authorities which are really part of the whole Government sphere ought to be valued and levied for duty or not and there can be arguments mounted for different sorts of imports by different statutory authorities. Now the two that come to mind are of course the Hospital and the Tourist Bureau. In the past I think the Fourth Assembly considered that the Tourist Bureau ought to pay for the duty on brochures that they bring in to promote Norfolk Island out of the funds that the Government budgets or votes for them. This is one of the areas that will be taken up in the review of the Customs Ordinance. My view at this time is that it really is all the same money but we ought to consider waiving the duty on those promotional brochures. I would be interested in hearing from Members in the debate that follows. Thank you Mr President

MR SANDERS:                    Could I just get Mr Bennett to clarify. Does that Marquee actually go back?

MR BENNETT:                    Yes

MR BATES:                      Mr President. I understand that Mr Bennett is in the process of reviewing terms and conditions of the Customs Ordinance and Regulations. The Lions Club as we all know, brought this marquee over for a Lions Convention here and we all know what a great benefit projects like that are to the Island in bringing visitors here to spend their money, on accommodation and hire cars etc in the commercial areas. To bring in a marquee like that for a special occasion I agree that it would be quite wrong to expect a considerable sum of duty, a sum close to \$2000 in this instance and I'm wondering if to save all this problem that some provision can be made in the new Ordinance and Regulations to cope with this type of situation, especially where the functions are of great benefit to the Island. I support the motion

MR SANDERS:                    Thank you Mr President. I've always opposed exemptions on duty in total. I believe in this instance that duty should be exempt from perhaps all of those three items. I'm very pleased that Mr Bennett is proposing to rectify these problems in the new Customs Ordinance and matters like this in actual fact I don't believe should be a matter of this Assembly at all. They should be at the discretion of the Executive. I propose to support this motion even though I don't

really support there being any exemptions in duty

MR PRESIDENT: Thank you. Further participation. Then we are the stage of voting on the Motion Honourable Members. I put the question that the motion be agreed to

QUESTION PUT  
AGREED

**ORDERS OF THE DAY**

**NO 1 - OPEN AIR ENTERTAINMENT CENTRE - APPROVAL OF  
BUILDING APPLICATION BY EXECUTIVE MEMBER**

MR PRESIDENT: Honourable Members you will see from the Notice Paper and from the Programme that the original motion is printed for your assistance and the amendment that we are in the process of debating and Mr Bates you have the call to resume debate

MR BATES: Thank you Mr President. During the past few weeks since this matter was adjourned I've only a few people make contact with me but needless to say most of them were against the proposal. I will endeavour to put forward some of their concerns. There is alot of concern about possible interference with the wetlands area and the water flow to those present users downstream of the site. The Building Board with the Minister has set out some eighteen conditions for the approval of this project and whereas some of them refer to the planting of trees etc none seem to protect or even attempt to rehabilitate the already degraded wetland area. I would ask the Minister if he would give some thought to adding further conditions to his approval to take into account those concerns. It has been said that with proper management this project could improve the wetland area over a period of years and make it more attractive to the birds presently using the area for breeding purposes. The further concern expressed to me is that it is a commercial enterprise that is being set up in a rural area and do we as elected members really have the right to ignore the views of a large number of people who earlier on opposed the project on that location. I think that Mr President is my main concern. At our previous meeting I said I support the concept as I could see economic benefits both long and short term for the Island and I would be more at ease if it were located in a less sensitive place environmentally. A further concern expressed to me is the damage it will do to the restaurant trade by tying up probably a third of the tourist population on two nights per week. It has been suggested that it will only operate two nights per week but I believe that it will eventually operate on more than two nights. I'm not sure if it is intended to have more than one show a night but if it is sold to capacity on only two shows per week that will only accommodate an audience of about 20,000 per year. With about 30,000 tourists per year it can be seen that moves to increase the number of shows must come. It seems to me that there is sufficient support around the table for the project to proceed. There are two options before us. I favour Mr King's amendment as it gives the Minister the scope to consider further the environmental issues. I am not sure what alternative sites are being considered but I would hope that there is still room to consider alternative sites for the project which I do support in concept. Thank you Mr President

MR SANDERS: Mr President, this is one of applications that whoever is the executive member at the moment he's going to get kicked if he does it and he's going to get kicked if he doesn't and I don't believe that the executive member should have his discretion directed by Mr King's amendment or whatever. This is not a motion. This is advising this House that there is an intention to do so. Every aspect of this application has been carried out in accordance with the law and the guidelines that we use or that Norfolk Island uses for matters of this kind. There's been matters raised concerning the wetland, but nobody has mentioned that this is only a few hundred yards from in actual fact where the water goes over the end of a cliff. This area is in my opinion, if there is going to be such a thing on Norfolk Island, is the area which is probably the most suitable. It probably affects the least amount of wetlands if you wish to call it, almost in the whole of Norfolk Island. Anywhere else it would be extremely sensitive. This area which is, as I

said, almost where it goes over the end of the cliff, actually goes right up to underneath the terminal building. That's quite a lengthy bit of wetlands which in effect is hardly interfered with by any human being at all. That's most of the tiger country and I don't believe as I said that the Executive Member's discretion should be interfered with at all, I totally oppose the amendment and as I have previously said on a number of occasions, this isn't a matter of whether you like the guy, of whether it interferes with the restaurants or whatever it does, it is whether it is lawful or whether it isn't and this application is lawful, it has complied with every aspects of the guidelines as I said previously and I believe it should be approved even if the Minister doesn't like it

MR BENNETT: I just wanted to add something to what Mr Sanders said, or not add, but make a comment about something he said. There are occasions when an executive member has to deal with an issue that becomes larger than life because of the interest that the public has in it and I don't consider that the Houses debate on a particular matter, whether it be an executive members discretion that we're debating about or not, I don't see it as us fettering the executive member's discretion, when there is a huge public interest factor involved. I think the amendment is sensible. It does allow that little bit of breathing space. I don't see it as interfering with an executive member's discretion at all and I propose to support it

MR KING: Mr President, indeed I would like to echo just a couple of words that Geoff has said there an attempt to convince Bill that my amendment is not an attempt to fetter Mr Christian's discretion. It is perfectly relevant for Mr Christian to take into the views of the elected representatives in reaching his decision. The purpose of my amendment, or my chief concern that I raised on the last occasion was to ensure that the process of review of the environmental impact statement had been completed. The process which indeed was set out in the environmental impact statement itself hadn't been done at that stage and I would be interested to hear from Mr Christian what has been done in the meantime to ensure that the review of that environmental impact statement has been progressed in the past few weeks

MR CHRISTIAN: Mr President I have checked that the public have been given reasonably opportunity to review the environmental impact study as it was laid down, and enough advertising on this fact was that the impact statement was available in the last meeting of the House. To my knowledge there's only been two people that have requested copies of it so there doesn't appear to be much interest in it anyway other than one or two comments which are being made around the road. It is my feeling that everything in it has been well and truly covered in whatever areas there needs to be. That the application does meet and fall within the guidelines that were requested of it and I personally don't have any problem with approving it. I think it has met all of these

MR SANDERS: Mr President thank you. There was at no time that I suggested that the public interest should not be considered. The public interest I would have imagined, or would have assumed, would have been one of the executive members original concerns. Those who have read those letters will appreciate that most of them either didn't like Mr Prentice or thought he was making too much money or there was very few of those people that were concerned that had in my opinion a legitimate beef about this project actually being brought forward. The motion that Mr King is proposing calls upon the executive member firstly to take adequate steps. Well an executive member if he's doing his homework, always takes adequate steps, he doesn't need to be told by another executive how to take adequate steps when he in actual fact is taking adequate steps. It appears to me that it's a blatant interference with the process of an executive member doing his duty. I don't support the amendment and I do support the signing of the thing even though in actual fact, like I said before, it's not a matter of likes or dislikes, there is no reason that I have seen in any of the documentation of the Environmental Act or the guidelines by Harrison and Grierson, there is nothing that should prevent this application from proceeding regardless of whether we like it or not. Thank you Mr President

MR ROBINSON: Thank you Mr President. Just to answer Mr Bates first part of his problem, I believe that Mr Prentice has an agreement

with the Church to reinstitute the site should they go broke or have to move out so I don't think that there's going to be a lot of earth works involved in reconstructing the sites and as Mr Sanders pointed out it is the last little piece of wetland on that whole wetland area. I also note that in Mr King's amendment he doesn't bother to include the subject to conditions recommended by the Norfolk Island Building Board in his amendment so therefore I will not support Mr King's amendment but yes I will support Mr Ernie Christian's original motion

MR SEMPLE: Thank you Mr President. I support the concept based on the assumption that there are going to be 200 people two nights per week but as Mr Bates made mention of a few moments ago, I would be a little bit concerned if over the next five or ten years that did stretch into every night or a number of shows a night. Whilst I feel now that adequate facilities are there now and the environment won't be harmed unduly, if it did get up to a couple of thousand people a week I would have my doubts. Is there any guarantee that it will remain at only two nights per week?

MR SANDERS: Mr President if I can recall there's adequate protection in the Environmental Act if it ever became for a better word, a nuisance. I have a little bit of a feeling that Mr Semple is more concerned that Mr Prentice might be likely to make a lot of money out of it rather than the environmental bit. As I said before there is adequate protection in the Environmental Act if it became a public nuisance

MR CHRISTIAN: Mr President what Mr Sanders says is correct. There is adequate provision already to be able to control the thing should there be a problem with what he envisages. The Building Board recommendations I intend to take those fully into account with it and I am also making a small amendment to place, although I think it unnecessary, to place in there the wetland area to allow it to be protected and not destroyed in line with the proposal. I have no problem with it. The area has been well and truly covered, it does meet everything that has been applied for it to do, all the conditions that were laid down and as I say I'm quite happy to sign it and I will be doing so Mr President. Now Mr President I asked for comments from this Assembly and that's what we've had. The other questions that were brought forward were in relation to the lighting and the aircraft - that has been covered and it doesn't raise a problem. I don't think there's any areas that we haven't covered generally

MR BATES: Yes Mr President I thank Mr Christian for offering to look at the wetland area and in particular the creek itself. There are at least one user and probably two users below that site that traditionally use the water from the creek for some time and I think it most important that no restrictions be placed on the flow of the stream in the interests of those persons

MR ROBINSON: I move that the question be put

MR PRESIDENT: Did you want to allow Mr Sanders a final say

MR SANDERS: I was only briefly, Mr President, going to support the comments made by Mr Bates as far as those two end users. My understanding is that the creek water is used to fill the artificial lake, all it does is go through the lake and back into the creek so there isn't any loss of water other than from evaporation

MR KING: Mr President could I make a suggestion. As I said the purpose of my amendment on the previous occasion was to allow some breathing space to allow a review of the EIS to take place. Mr Christian says that he has done that over the past four weeks would it be worthwhile for me to now withdraw my amendment? Would that make things a little easier?

MR BENNETT: Mr President I'm not sure whether that process has been completed. Only yesterday I was asked to provide a copy of the EIS to a fairly concerned gentleman

MR SANDERS: Mr President there's been a copy in the library for quite some considerable time

MR BENNETT: That may be so. I'm just making the observation  
Mr President

MR PRESIDENT: Yes. Mr King, it isn't quite clear as to Members  
total view about the amendment and I think the only way to settle this is  
for us to vote upon it so I think if we continue with having the  
amendment in front of us, decide that matter, and take it from there. I  
think we're all done Honourable Members as far as discussion is  
concerned, am I right there?

MR SANDERS: Yes I think we can keep on discussing it and drag  
it out for another six years too

MR PRESIDENT: If we are at that stage I will put to you the  
question about the amendment and therefore the question is that the  
amendment, that is, that proposed by Mr King, be agreed and I'll put that

QUESTION PUT

Please call the House

MR BUFFETT	NO
MR BATES	AYE
MR SEMPLE	NO
MR BENNETT	AYE
MR ROBINSON	NO
MR CHRISTIAN	NO
MR KING	AYE
MR SANDERS	NO

Thank you the result of the voting Honourable Members the ayes three the  
noes five the noes have it. Therefore we are now at the original motion  
unamended. Do you want to pursue any further discussion upon that before  
I put the question?

MR SANDERS: Mr President it wasn't a motion it's a suggestion  
that it be noted

MR PRESIDENT: Yes, that is the motion. I will promptly put that  
to you Honourable Members. The question is that the original motion be  
agreed to

QUESTION PUT  
AGREED

That original motion is agreed

**NO 2 - LEGAL PROFESSION BILL 1992**

MR PRESIDENT: Order of the Day No 2. I don't intend to call  
this on Honourable Members. That was in Mr Brown's court and he is not  
here at this moment and so I will leave that until his return

**NO 3 - ROAD TRAFFIC AMENDMENT NO. 2 BILL 1992**

MR PRESIDENT: Order of the Day No 3. Road Traffic Amendment No  
2 Bill of 1992 and this is resumption of debate on the question that the  
Bill be agreed to in principle and Mr Semple, you have the call for  
resumption

MR SEMPLE: Thank you Mr President. At the last Assembly  
meeting when I introduced this amendment bill I included in my speech  
reference to comments made by Sgt McIntosh and I once again quote "it is  
my opinion that if changes are going to be made to the Act then they  
should bring us into line with other States and Territories where the  
minimum driving age is 16 years and nine months". Well since that time  
I've again had the opportunity to speak to Sgt McIntosh. The comments  
that he originally made were, I believe, based on a misunderstanding of  
what this amendment bill is trying to achieve and the problems  
experienced by the mainland traffic registries when young Norfolk Island  
people go to transfer their Norfolk licences to mainland licences.

Yesterday I received further comment from Sgt McIntosh where he outlines his current feelings to this Bill and I have circulated this to Members but I'll just read the third paragraph of Sgt McIntosh's letter "...I do however see merit in the argument which you put forward in support of your amendment. What you are in fact saying is, if a young person can obtain a licence at 16 years let's make sure that they have had the opportunity to gain necessary road skills by allowing them to drive under adult, which is 25 years minimum, supervision for three months before. I take your point that it is likely that a person booking in for a driving test on their sixteenth birthday has learnt to drive somewhere be it around a private property, but could not have lawfully gained any experience on the open road and I stress the point that lawfully is underlined". This amendment bill has a specific aim and that's to provide a three month learning period where children who have attained the age of 15 years and nine months can practise their car driving skills legally on a public road accompanied by a person over the age of 25 years before sitting for a drivers test at the age of 16. Again, I'll repeat that the Act as it now stands has no provision for a person under the age of 16 to drive a car on a public road under any circumstances yet that same act allows a person to sit for their drivers test the moment he or she turns 16. If this person satisfies the testing officer, that is, has achieved the necessary driving skills in traffic and passing the test then how did that person develop these skills. The only conclusion that can be arrived at is that the young person has been practising illegally on a public road. The Road Traffic Amendment No 2 Bill 1992 is designed to overcome this problem whilst disadvantaging no-one and providing the opportunity for young people to practise and improve their driving skills within the law, thank you Mr President

MR ROBINSON: Thank you Mr President. My concern is for Norfolk Island kids. Not so much that we should have the same laws as anywhere else. I would much prefer to see that our kids has some experience on our roads before they take on the big city traffic and just basically I support Mr Semple's bill

MR KING: Thank you Mr President. I mentioned at the time that the bill was presented that I thought it was deficient in achieving Mr Semple's objective. I appreciate Mr Semple's desire to ensure that young drivers undergo a period of learning on our roads before obtaining a full licence but this bill doesn't achieve that. Mr Semple's main concern is that a person can undertake a driving test and acquire a motor car drivers licence immediately that person turns 16 and without any apparent experience in driving on the roads. He seeks to remedy this by allowing a person to apply for a learners permit at the age of 15 years and nine months but only if the person wishes. It is not proposed to make it compulsory and therefore there is no guarantee that Mr Semple's objective of ensuring practical experience will be achieved. It is likely that some may apply at the age of 15 years and nine months for a learners permit but it is unlikely that everyone will apply at that age and it is more likely that the majority will wait until they are 16 and simply do what is done now under the existing law. Nothing will change. Mr President I think that Mr Semple's objective is a worthwhile one but I can't understand why it is that only those who are around 16 years of age should have practical experience. Why should it not apply to 17 year olds or 18 year olds or even older people. Should they be able to readily obtain a licence without any apparent experience on the roads. Perhaps Mr Semple's objectives could be achieved by making it compulsory to hold a learners permit for a period before obtaining a full licence. It appears to me that this would be the only way that we could ensure that an appropriate level of experience is obtained. The alternative of course is simply to rely on the ability of testing officers under the present system. Mr President I think I've made it reasonably clear that I won't be supporting the bill in its present form and I won't be moving any amendments to it. I would like to think that Mr Semple's concerns could be met and if members wish it, as the appropriate executive member I will address them further but I would approach it from a different angle. And in closing, I need also to point out that I have a reluctance to depart from the wishes of the local constabulary and furthermore their view has been expressed or been supported to me as expressed by Mrs Elaine Sanders, the convenor of the local magistrates only yesterday. They as well support the concept of a learners permit but not a reduction in the age. Mr Semple may draw some consolation from the fact that I put

the bill to the year 10 students at the school and he may be pleased to know that they supported it 12 for, one against and one abstention, thank you Mr President

MR ROBINSON: Perhaps Mr King does have a point. Perhaps we should include somewhere in it that in order to obtain a full licence anybody should have had a three months learners permit condition before applying

MR SANDERS: Thank you Mr President. I support the comments made by Mr King. I also have the same concerns that the police and the magistrates have and I don't believe that the age under any circumstances should be reduced for driving a motor vehicle which in effect can be a very very lethal weapon. I do like the concept that Mr King has stated that he would be prepared to progress it further but in a different manner and I would be pleased that he do so. I will not be supporting this bill, as I said, mainly because I believe it leaves too many things undone. Thank you Mr President

MR SEMPLE: I was going through the Road Traffic Act again and the comment made that perhaps a three month period learners permit for anyone going for a licence, if that in any way would help overcome the problem I would be happy to include that. I can't agree with the comment that Mr King made though, although I haven't got any facts on it, I would say that by and large, the greatest number of children on the Island, once they hit 16 they get their licence. They don't wait until they are 16 and a half or 17. Once they hit 16 it's licence time and apart from other issues brought up the law as it stands now, where a 16 year old is going and getting his licence on his 16th birthday is practising illegally so anyone who I feel is adamantly opposed to this is also condoning the breaking of the law

MR KING: Well Mr President I wouldn't want to be seen as a person who is condoning the breaking of the law by encouraging youngsters to drive without a learners permit or a licence that's simply not the case but as I mentioned the situation under Mr Semple's bill will not change that fact in any event

MR ROBINSON: Perhaps Mr Semple would be prepared to adjourn and we discuss a suitable amendment to it

MR SEMPLE: Yes, I would be happy with that

MR PRESIDENT: And you're moving that? Yes. I put the question to you Honourable Members that this matter be adjourned and be brought forward to the House at a subsequent stage

QUESTION PUT  
AGREED

#### **Fixing of the Next Sitting Day**

MR BENNETT: Mr President, I move that the house at its rising, adjourn until Wednesday 23 September 1992 at 10 am.

MR PRESIDENT: Thank you. Honourable Members that date has been set to accommodate various activities of Members but you might just like to let us know whether you consider that appropriate. 23rd September. Okay. I put the question that that motion be agreed

QUESTION PUT  
AGREED

#### **Adjournment**

MR SANDERS: I move that the House do now adjourn

MR PRESIDENT: The question is that the House do now adjourn. Debate. Mr Bates

MR BATES: Mr President the absence of Mr Brown has left me with several questions unanswered or should I say unasked. In the

interests of public exposure I will briefly touch on some of them as it may well be that other Ministers or Mr Brown's colleagues could comment on them during this adjournment debate and thereby keep the public informed as another four or five weeks is a long time to wait for answers. One of the matters is the large number of pieces of legislation needing amendment. Some only minor and yet Ministers, have presented almost no pieces of legislation to this House, or are presenting almost no pieces of legislation to this House. It's about time Members of the Government bought forward a programme for dealing with this unsatisfactory state of affairs. At one of our first meetings Mr Brown informed this House that he had engaged Mr Neil Summerson of Ernst and Young's Brisbane office to do some work at the hospital. At the same time Mr Sanders engaged Mr Summerson to do a report at the Tourist Bureau. We had the Tourist Bureau report within three days of his inspection and several days before he, that is Mr Summerson, was properly appointed under the Act. That report casts serious doubts as to the professionalism of Mr Summerson given the haste of the report and his association with Mr Brown as receiver of the Norfolk Island Airlines group of companies. It is of grave concern that in over three months

MR SANDERS: Mr President I believe there's a Point of Order here. This is an imputation against the character who is not present meaning Mr Brown referring to facts which I'm not too sure are accurate anyhow and I believe this line should be discontinued

MR PRESIDENT: Mr Bates if there were in fact inferences in respect of a Member I would ask you to withdraw that and not continue that line and there may have been in respect of mention of Mr Brown and I would ask you to bear that in mind in pursuing this matter

MR SANDERS: There is also imputation Mr President as far as the firm of Ernst and Young and bearing in mind Ernst and Young is also the Administration auditor I don't know whether inferences of improper actions are appropriate in this House

MR PRESIDENT: Yes thank you. Mr Bates proceed bearing the factors in mind that there should be no such inferences

MR BATES: Yes, what I was coming to Mr President is that it is of grave concern that in over three months Mr Summerson has not produced his report on the hospital and that casts further doubts as to the professional capabilities of this man

MR SANDERS: I again Mr President raise a Point of Order that there is an imputation as to the credibility of the Firm of Ernst and Young or Neil Summerson as a person

MR BATES: Mr President if I'm not allowed to have grave concern about the professionalism of Mr Summerson I will happily withdraw those remarks

MR PRESIDENT: Thank you

MR BATES: I'm not sure if other members have received late yesterday or early this morning a letter from the parents of year 11 students concerning the charging of \$2,000 per student per term for each of the last two terms of this year. I am unable to... I am aware that pressures were put on the previous Assembly to provide years 11 and 12 at the school and parents agreed to contribute in order to have that facility provided but the letter does raise several issues which I believe are valid. In the absence of Mr Brown it is probably not appropriate to deal with the letter today but I do hope Members will give it some early consideration. Thank you Mr President

MR BENNETT: Thank you Mr President. I just wanted to join in the debate on the comment about one particular statement made by Mr Bates and that was in respect to the lack of a legislative programme. Mr President there has been, in fact is, a draft programme that was circulated to each executive member of legislative priorities and I am aware that at least two of the executives have indicated their priorities in their own area. Mr Bates should be aware that the passage of the Sixth Assembly hasn't been exactly smooth and there has been a changer in

executive responsibilities but in respect to the great number of pieces of legislation that require amendment I acknowledge that but I'm certainly not going to advance any that are in my area unless I've had a look at the total piece of legislation. I'm not about ad hoc fixing up pieces of legislation without having the opportunity to look at the bill in its total context to see whether there might be other things that I might like changed apart from the obvious right now and that process is going on in my area and I know one or two other executives are doing exactly the same. I would expect that in a very short time there will be a programme of legislative priorities and all members will have an opportunity to see that

MR ROBINSON: I would have hoped that the Cabal who have been with the sacking of the Tourist Executive and Board would have been appeased by the sacking of the Tourist Minister and the President, that is the former Tourist Minister and the former President. I think that Mr Bates is just trying to make political brownie points. Instead of doing that let's just settle down and get on with the job at hand

MR SANDERS: I agree totally with Mr Robinson but my hand was up Mr President to agree with the comments made by Mr Bennett. I would hate to think that the executive ran off and sloppily amended anything. I would rather that they sit down and take a little bit more time and considered the whole overview of whatever it is that needs to be amended. I would hate to think that there was any major rush on on something that doesn't need to be done in a hurry, thank you

MR BATES: Yes Mr President. One of my concerns was, or one of my questions was to ask Mr Brown where is the Summerson Report on the hospital. Not being able to do that I didn't wish to wait a further twelve months to bring this matter to the attention of the public and to members that this report is over three months is still not forthcoming

MR BUFFETT: Any further participation? No. Then there being no further debate, that is, adjournment debate, I put the question which is that the House do now adjourn

QUESTION PUT  
AGREED

The ayes have it and so therefore Honourable Members this House stands adjourned until Wednesday 23 September 1992 at 10.00 o'clock in the morning.

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